

1 **P O R T E R | S C O T T**

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PALMER, and ISMAEL RAMOS

13 *Exempt from Filing Fees Pursuant to Government Code § 6103*

14 UNITED STATES DISTRICT COURT

15 EASTERN DISTRICT OF CALIFORNIA

16 CHUE DOA YANG *et al.*,

17 CASE NO. 2:23-cv-00066-TLN-JDP

18 Plaintiffs,

19 **FIRST STIPULATION AND ORDER TO
AMEND INITIAL PRETRIAL SCHEDULING
ORDER (DKT. 4)**

20 v.

21 COUNTY OF YUBA *et al.*,

22 SAC: 7/5/24

23 Defendants.

24 FAC: 10/16/23

25 Complaint Filed: 01/11/2023

26 Plaintiffs and Defendants (“the parties”), by and through their respective counsel of record, and
27 subject to the approval of this Court, hereby stipulate as follows:

28 **RECITALS**

1. This case involves the death of Tong Yang who died of suicide at the Yuba County Jail.
2. The operative complaint in this case is the Second Amended Complaint. Plaintiffs filed the Second
3. Amended Complaint (SAC) on July 5, 2024. Dkt. 44. Defendants Wellpath, LLC, Christina Boets, MFT,
4. and Taylor Fithian, M.D., filed an answer to the SAC on July 19, 2024. Dkt. 52.

1 2. On July 25, 2024, Defendants County of Yuba, Jeffery Palmer and Ismael Ramos filed
2 their motion to dismiss the SAC. Dkt. 53. Plaintiffs filed their opposition on August 8, 2024. Dkt. 54.

3 3. On November 15, 2024, Wellpath, LLC, filed a suggestion of bankruptcy and notice of
4 stay. Dkt. 57. Wellpath subsequently filed an amended suggestion of bankruptcy and notice of stay. Dkt.
5 60.

6 4. This Court issued a minute order on November 15, 2024, stating that the matter was stayed
7 as the Debtor, but could proceed against other Defendants. Dkt. 58.

8 5. The Court ruled on the motion to dismiss on December 3, 2024, granting in part and
9 denying in part the County Defendants' motion. Dkt. 59. The County Defendants filed their answer to the
10 SAC on December 23, 2024. Dkt. 61.

11 6. In accordance with the Court's order (dkt. 58), Plaintiffs and the County Defendants have
12 exchanged written discovery and proceeded with this case. Although Plaintiffs and the Wellpath
13 Defendants had exchanged written discovery requests, all such discovery was stayed as of November 15,
14 2024.

15 7. On May 1, 2025, the United States Bankruptcy Court for the Southern District of Texas
16 confirmed the bankruptcy plan for the debtor Wellpath. Dkt. 2596 in case no. 24-90533. The automatic
17 stay lapsed after the effective date of the bankruptcy plan, which was May 9, 2025. Dkt. 2680.

18 8. As a result of the bankruptcy case, Plaintiffs learned that a separate, but related, Wellpath
19 entity called California Forensic Medical Group (CFMG), was the contracting party in this case that
20 provided medical and mental health services at the Yuba County Jail. CFMG is a professional corporation
21 that is not a "debtor" subject to the Wellpath bankruptcy. Plaintiffs will seek leave to file an amended
22 complaint that joins CFMG as a real party in interest, either via a stipulation or motion.

23 9. On June 3, 2025, the parties conducted a supplemental Fed. R. Civ. P. 26(f) conference to
24 discuss the status of this case after termination of the Wellpath bankruptcy stay.

25 10. The parties have met and conferred regarding the Scheduling Order (dkt. 4), and the parties
26 believe certain dates will not give the parties sufficient time to investigate the issues in the case, conduct
27 discovery, and prepare for trial.

28 11. Discovery in this case is anticipated to take additional time. There are nine (9) individual

1 plaintiffs in this case. Due to the number of parties, and the logistical challenges of coordinating among
 2 counsel and the parties, the parties will require additional time to conduct discovery. Moreover, the written
 3 discovery at issue is anticipated to be voluminous; it will be comprised of thousands of pages and will
 4 constitute many gigabytes of data (for video and other digital materials).

5 12. When an act must be done within a specified time, the Court may, for good cause, extend
 6 the time with or without motion if the court acts, or a request is made, before the original time expires.
 7 Fed. R. Civ. P. 6(b)(1)(A). With respect to an order setting forth the Court's pretrial schedule, "[t]he
 8 district court may modify the pretrial schedule 'if it cannot be reasonably met despite the diligence of the
 9 party seeking the amendment.'" *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

10 13. The parties have diligently conducted discovery in this case, despite delays and challenges
 11 caused by the bankruptcy proceedings. As a practical matter, the bankruptcy proceedings effectively
 12 prevented any depositions from going forward because, without the participation and attendance of
 13 counsel for the Wellpath, LLC Defendants, the Wellpath Defendants would have had the ability to re-
 14 notice any deposition that was conducted while the bankruptcy stay was in effect. This would not only
 15 subject deponents and parties to a possible additional deposition, but it would pose needless costs on the
 16 parties and increase the attorney time. Consequently, no depositions were held while the bankruptcy stay
 17 was in effect. The parties have not sought any prior modification of the Scheduling Order.

18 **STIPULATION**

19 14. Based on the foregoing, the parties, by and through their undersigned counsel of record,
 20 respectfully request that the Court modify the Scheduling Order as follows:

Case Event	Current Deadline (dkt. No. 4)	Proposed Amended Deadline
Fact discovery cut-off	August 21, 2025	June 5, 2026
Expert disclosures	October 20, 2025	August 7, 2026
Rebuttal expert disclosures	November 19, 2025	September 7, 2026
Expert discovery cut-off	Not set	October 9, 2026
Dispositive motion filing cut-off date	February 17, 2026	January 4, 2027

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1 Dated: June 9, 2025

LAW OFFICE OF SANJAY S. SCHMIDT,
HELM LAW OFFICE, PC, and
GRACE JUN, ATTORNEY AT LAW

2
3 /s/ Grace Jun
4 By: GRACE JUN
5 *Sanjay S. Schmidt*
6 *T. Kennedy Helm, IV*
7 *Grace Jun*
8 *Attorneys for Plaintiffs*

9 Dated: June 9, 2025

10 PORTER SCOTT
11 A PROFESSIONAL CORPORATION

12 *By* /s/ Matthew W. Gross
13 *Carl L. Fessenden*
14 *Matthew W. Gross*
15 *Melissa Yoest*
16 *Attorneys for Defendants*
17 *County Of Yuba and Ismael Ramos*

18 Dated: June 9, 2025

19 GORDON REES SCULLY
20 MANSUKHANI

21 *By* /s/ Lindsey Romano
22 *Lindsey Romano*
23 *Allison Becker*
24 *Attorneys for Defendants*
25 *Wellpath, LLC, Christina Boets MFT, and Taylor Fithian,*
26 *M.D*

1 **ORDER**
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The Court, having considered the parties' stipulation, and good cause appearing, rules as follows:

The relief the parties jointly request is GRANTED, and the scheduling order is modified as

follows:

Case Event	Current Deadline (dkt. No. 4)	Amended Deadline
Fact discovery cut-off	August 21, 2025	June 5, 2026
Expert disclosures	October 20, 2025	August 7, 2026
Rebuttal expert disclosures	November 19, 2025	September 7, 2026
Expert discovery cut-off	Not set	October 9, 2026
Dispositive motion cut-off date	February 17, 2026	January 4, 2027

10 **IT IS SO ORDERED.**

11 DATED: June 10, 2025

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13 TROY L. NUNLEY
14 CHIEF UNITED STATES DISTRICT JUDGE
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